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United States of America  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 NICHOLAS GRAY,  
15 Defendant.

CASE NO. 2:22-CR-83-TLN  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: May 18, 2023  
TIME: 9:30 a.m.  
COURT: Hon. Troy L. Nunley

16  
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on May 18, 2023.  
21 2. By this stipulation, defendant now moves to continue the status conference until June 8,  
22 2023, for a motion hearing, and to exclude time between May 18, 2023, and June 8, 2023, under Local  
23 Code T4.  
24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has represented that the discovery associated with this case  
includes investigative reports, search warrants, and documents in electronic form; body worn  
26 camera footage and search warrant photographs; and records regarding Defendant's criminal  
27 history. All of this discovery has been either produced directly to counsel and/or made available  
28

1 for inspection and copying.

2 b) Counsel for defendant desires additional time to consult with her client, review  
3 discovery, and otherwise prepare for trial.

4 c) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of May 18, 2023 to June 8, 2023,  
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
14 because it results from a continuance granted by the Court at defendant's request on the basis of  
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
16 of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20 5. Additionally, Defendant has indicated he will file a motion to suppress evidence in the  
21 next few days. Accordingly, the parties ask the Court to set the June 8, 2023 hearing date as a motion  
22 hearing, and to order the following briefing schedule:

- |       |                                  |              |
|-------|----------------------------------|--------------|
| 23 a) | Suppression Motion (if any) Due: | May 17, 2023 |
| 24 b) | Government's Response Due:       | May 24, 2023 |
| 25 c) | Defendant's Reply (if any) Due:  | June 1, 2023 |
| 26 d) | Motion Hearing Date:             | June 8, 2023 |

27 6. Should Defendant decline to file a motion by May 17, 2023, the parties request that this  
28 matter remain on calendar on June 8, 2023 for a status conference, absent an additional stipulation or

1 joint motion by the parties.

2 IT IS SO STIPULATED.

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5 Dated: May 11, 2023

PHILLIP A. TALBERT  
United States Attorney

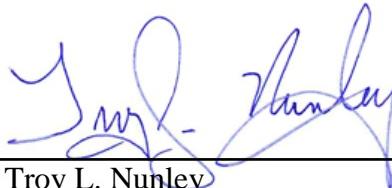
6  
7 /s/ EMILY G. SAUVAGEAU  
EMILY G. SAUVAGEAU  
8 Assistant United States Attorney

9  
10 Dated: May 11, 2023

/s/ CANDICE FIELDS  
CANDICE FIELDS  
11 Counsel for Defendant  
12 NICHOLAS GRAY

13  
14 ORDER

15 IT IS SO FOUND AND ORDERED this 12th day of May, 2023.

16  
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19 Troy L. Nunley  
United States District Judge